

## Holme Roberts &amp; Owen LLP



January 28, 2002

SENT VIA:

\_\_\_ E-MAIL TO: Microsoft.atr@usdoj.gov

\_\_\_ VIA FACSIMILE COPY TO: (202) 307-1454 or (202) 616-9937

\_\_\_ 1<sup>ST</sup> CLASS MAIL TO:

The Honorable Colleen Kollar-Kotally  
U.S. District Court, District of Columbia

c/o Renata B. Hesse  
Antitrust Division  
U.S. Department of Justice  
601 D Street NW, Suite 1200  
Washington, D.C. 20530-0001

Abigail L. Jones  
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Re: Microsoft Settlement

**Attorneys at Law**

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Dear Judge Kollar-Kotally:

I write to express some concerns with the proposed settlement in the *Microsoft v. DOJ* case.

I am informed that the Microsoft case will be returning to the federal district court for the purpose of imposing a proper remedy. Appropriate sanctions and penalties in an antitrust suit generally require that the violator discontinue past anti-competitive conduct, provide a component to compensate for the damage caused by the past violations, and include conditions under which the violator can operate to prevent future violations. Although this can occur through settlement, it is appropriate for a court to have sufficient supervision over the settlement and approval of its provisions to ensure that future violations will not likely re-occur.

I am informed that the proposed settlement does not go far enough to ensure that there will be an open and fair market place in the future. Microsoft can not be allowed to have too much discretion concerning release of its access codes, otherwise, competitors will not be able to develop compatible products and vendors will once again be required to market software packages according to Microsoft's direction, without competition.

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## Holme Roberts &amp; Owen LLP

The Honorable Colleen Kollar-Kotelly  
January 25, 2002  
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It is time to bring this litigation to an end and correct improper market conduct. It appears this will only occur if the court takes a strong hand to craft and be willing to enforce sanctions designed prevent past conduct from re-occurring. Please reject the proposed settlement and fashion your own remedy based upon the facts and law applicable to this case.

Respectfully,



Abby L. Jones

cc: The Honorable Mark Shurtleff, Utah Attorney General